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OFFICE OF PETITIONS

In re Application of
Zhou
Application No. 10/648,458
Patent No. 6,887,941
Filed: August 26, 2003
Attorney Docket KCC 4925.8

: DECISION DISMISSING PETITION

This decision is in response to Applicant's "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT" May 3, 2005 requesting that the Patent Term Adjustment be adjusted from a determination of 10 days to a determination of (0) days. The Office is treating such letter as a letter of good faith and candor.

Applicant's petition is **DISMISSED**.

Applicant argues that the Office erred in not assessing a delay for the submission of an RCE on September 1, 2004. Applicant proffers that the submission of an RCE after a notice of allowance is considered a failure to engage in reasonable efforts to conclude prosecution of the application under 37 CFR 1.704(c)(10).

Applicant's argument have been considered but are not deemed persuasive. The Office has not deemed the submission of an RCE under this factual scenario as a paper that is considered a failure to engage in reasonable efforts to conclude prosecution of the application under 37 CFR 1.704(c)(10). In addition, because the RCE was submitted within 3 months of the mail date of the notice of allowance, applicant did not fail to engage in reasonable efforts to conclude prosecution of the application under 37 CFR 1.704(b). Accordingly, the ten-day determination is accurate.

After review of this decision, this application will be forwarded to the file repository for proper storage of the application.

Because applicant out of good faith and candor are bringing an alleged error in applicant's favor this to the attention of the Office, there is no fee assessed. The Office thanks applicant for their good faith and candor.

Any questions concerning the issuance of this patent should be directed to Kery A. Fries, Office

Application No. 10/648,458

of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy
at 571-272-7757

Kery A. Fries
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